

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Study Session

May 5, 2014
6:00 p.m.

Council Conference Room
Bellevue, Washington

PRESENT: Mayor Balducci, Deputy Mayor Wallace, and Councilmembers Chelminiak, Robinson, and Stokes

ABSENT: Councilmembers Lee and Robertson

1. Executive Session

Deputy Mayor Wallace called the meeting to order at 6:02 p.m., and declared recess to Executive Session for approximately 10 minutes to discuss one item of property acquisition.

The meeting resumed at 6:27 p.m., with Mayor Balducci presiding.

2. Study Session

(a) Draft of Recommended Economic Development Strategic Plan

Acting City Manager Brad Miyake introduced staff's presentation of the draft Economic Development Strategic Plan. He recalled that this topic has been a Council priority for some time, and elements of the plan have been presented to Council in the past.

Chris Salomone, Director of Planning and Community Development, recalled that staff met with the Council regarding the Economic Development Strategy Plan in October 2013 and March 2014. He said a cross-departmental team of directors have participated in this effort

Brian Murphy, Berk Consulting, described Bellevue's core clusters: information technology, business services (i.e., financial, real estate, professional, scientific and technical), retail, and tourism/visitors.

Mr. Murphy described four direct economic development strategies: 1) cultivate next generation of technology entrepreneurs, 2) position Bellevue as a Pacific Rim gateway, 3) strengthen tourism and visitor cluster, and 4) develop multi-pronged economic development marketing campaign.

Mr. Murphy said that cultivating the next generation of technology entrepreneurs includes creating a collaborative environment, creating affordable and flexible workspaces, establishing a technology district, recruiting tech firms, and attracting an expanded higher education presence.

Councilmember Robinson suggested adding a mentorship component. Mr. Murphy concurred that element would fit well under the first strategy.

Mr. Murphy said the second direct strategy to position Bellevue as a Pacific Rim gateway includes strengthening international relationships and knowledge base, and linking foreign investors and investment opportunities.

Responding to Councilmember Robinson, Mr. Salomone said the creation of a funding portal as an economic development strategy is under consideration.

Mayor Balducci asked whether staff planned to talk about implementation strategies. Mr. Salomone said staff is open to discussing implementation measures tonight and going forward.

Natasha Fedo, Berk Consulting, presented the foundational strategies which address solving transportation challenges, providing a business climate that facilitates desirable business investment, cultivating attractive and diverse business districts, supporting the development of world-class talent, encouraging a variety of housing choices within the city, and continuing to make Bellevue a great place to live and visit.

Deputy Mayor Wallace observed there is no mention of highways. Ms. Fedo noted that the transportation item is intended to refer to multi-modal transportation solutions.

Responding to Councilmember Robinson, the City Clerk said the multifamily tax exemption is slated for a Council presentation on June 2.

Dan Stroh, Planning Director, presented areas of focus for near-term implementation actions under the four direct strategies noted above.

Responding to Councilmember Stokes, Mr. Stroh said the overall plan is intended to cover a three- to five-year horizon. In further response, Mr. Stroh said cultural elements, including a performing arts center, fall under Foundational Strategy F: Continuing to make Bellevue a good place to live and visit. Councilmember Stokes, noting the sub-statements under that strategy in the presentation, said he would like to see a more specific reference to a performing arts center and other cultural arts.

Mr. Stroh presented the recommended short-term focus areas for the direct strategies (Next Generation technology entrepreneurship, higher education, partnering for the tourism and visitor strategy, and the creation of additional marketing collateral to support the economic development strategy) and for the foundational strategies (regional approach to transportation and workforce housing, Wilburton District redevelopment, and expanding high-speed telecommunications

infrastructure). With regard to next steps, staff is seeking Council feedback tonight on the recommended plan, implementation framework, and near-term actions. Staff will return to a future meeting for Council adoption of the plan and will proceed with implementing short-term actions. Budget proposals are anticipated for the current Budget One process.

Mayor Balducci said she spent time in New York City the previous week on the Seattle Chamber of Commerce study tour. One lesson of that trip was the value of narrowing the focus to specific items to be implemented quickly to have the greatest impact and demonstrate success. Ms. Balducci noted that New York City government contributes 10 percent to 25 percent into implementation strategies, and the City is often the first to do so. She suggested this could be beneficial for Bellevue. The key to this model was New York City's demand for data and for a demonstrated return on investment.

Mayor Balducci said she would like to know what it would take (i.e., staffing and other resources) for the City to implement effective economic development. She believes it is important to have some accountability in terms of impacts and returns on investments.

With regard to the Wilburton District, Mayor Balducci cautioned that, if redevelopment is not actively addressed and designed in the near future, development could occur that is not within the vision of the Council and/or the community. She would like to move expeditiously to set a vision for the Wilburton area.

Deputy Mayor Wallace observed that the draft Economic Development Strategic Plan captures the strengths of Bellevue. Referring to page SS 2-19 of the meeting packet, Performance Measures, he said he is hoping there is historical data to draw from, especially with regard to permitting and development.

Mr. Wallace suggested considering a new City logo to incorporate a technology and/or economic development vision. He noted the absence of auto dealerships under short-term actions. He is concerned that Bellevue will miss out on opportunities if it does not actively address the retention and recruitment of dealerships.

Mr. Wallace suggested adding to Foundational Strategy F, the Tateuchi Performing Arts Center, KidsQuest Museum, and continued retail development.

Deputy Mayor Wallace said the plan includes a reference to redevelopment in the Bel-Red and Wilburton areas and providing appropriate infrastructure. He said stormwater requirements and costs are not feasible for smaller businesses. He said the City needs to keep going back to the state legislature with respect to those mandates. In addition, he suggested following the cities of Redmond and Woodinville in creating stormwater systems and charging back to development when connections are made to the system. This would allow affordable housing and other types of growth to occur in areas away from the Downtown.

Councilmember Chelminiak expressed general support for the plan. In terms of business data, it is not clear what businesses are here and emerging, and which are failing and why. He suggested

looking at how the City is going to fund activities of interest to the business community going forward.

One issue is data reliability. Councilmember Chelminiak said the City needs to know what businesses want and need, what is available and what is not available. He said Bellevue would not be a candidate for Google fiber because it does not have a current inventory of infrastructure and there are large regulatory barriers.

In terms of a near-term strategy, Mr. Chelminiak said it is important to know what is out there in terms of data and how it will get to businesses. He commented on the challenge of providing high speed data service to the new courts building and to other businesses as well. He observed that the City is making good progress on electrical reliability.

Mr. Chelminiak said any successful business center in the world has difficult traffic and a high cost of living (including housing costs). He believes Bellevue should try to do better than other cities in those areas. Bellevue has major highways and the pending development of a transit system (i.e., light rail), which provide the opportunity for a strong multi-modal transportation system that might not exist elsewhere.

Mr. Chelminiak said he would like to see the business community strongly engage with the City in the economic development strategy.

Councilmember Stokes recalled the Mayor's comments on local government investment. The City has been struggling with what its role should be, and with how much to invest and how that should be done. He agrees with the need for further discussion of this topic.

Mr. Stokes observed that the plan does not mention the Eastgate area. He said there are a number of initiatives and studies underway (e.g., performing arts center and Downtown Livability Study) and questioned how will the City pull that all together into a cohesive plan.

Mr. Stokes said the plan does not highlight Bellevue as the Eastside urban center. He agreed with the Mayor's comments about focusing on some very specific actions in the near term. He is concerned about the staffing and resources available to implement the economic development strategy. He said it will take a strong focus by Council and staff to execute the vision and plan.

Councilmember Robinson expressed support for the plan. She likes the idea of focusing on a connection between Meydenbauer Bay Park and the Wilburton area. She would like to incorporate the former BNSF rail corridor trail as well.

Ms. Robinson suggested that the strategies encourage and support gatherings (i.e., meetups, hack-a-thon, entrepreneur functions) whether partially City-sponsored or not.

Mayor Balducci thanked and complimented staff and the consultants on their work.

(b) Update on Tourism by Visit Bellevue Washington

Mr. Miyake welcomed representatives of Visit Bellevue Washington for an update on their activities.

David Yusen, Chair of the Visit Bellevue Washington Advisory Committee, said he is also the Director of Marketing and Public Relations for Heavy Restaurant Group. He noted that additional members of the advisory committee were in the audience.

Sharon Linton, Tourism Marketing and Communications Manager for Visit Bellevue Washington, said this is National Travel and Tourism Week. She presented statistics regarding visitors to Bellevue, hotel occupancy rates, dollars spent by visitors, and tax revenue generated. There were 1.4 million visitors to Bellevue in 2013, a 4.4 percent increase over 2012, and one million overnight visitors in 2013, which is an increase of six percent.

Ms. Linton said Bellevue hotels are fairly full Monday through Thursday. Visit Bellevue Washington is working to promote weekend activities and to attract weekend visitors.

Responding to Mayor Balducci, Ms. Linton said there are industry standards for calculating the daily spending of overnight versus daytime visitors. Mayor Balducci commented on bed and breakfasts and other types of vacation housing, and Ms. Linton confirmed that not all visitors are being captured in the statistics and economic impact figures.

Councilmember Chelminiak commented that Visit Bellevue Washington seems to be having a positive impact on marketing the city and community.

Responding to Councilmember Robinson, Ms. Linton said the Washington Tourism Alliance was founded a few years ago. State legislation was adopted this spring to implement the collection of revenues from tourism-related industries (e.g., transportation, hotels, restaurants and attractions).

Ms. Linton said copies of the 2014 Visit Bellevue Washington visitors guide have been distributed to the Council. The guide is also available in hotels and online.

Mayor Balducci thanked the representatives for the update.

3. Council Business [Regular Session Agenda Item 6]

Mr. Miyake said he would like to postpone Item 6(b) from the Regular Session agenda to a future meeting when the full Council is present.

→ Deputy Mayor Wallace moved to appoint Chad Davis and Chris Dreher to the Library Board. Councilmember Chelminiak seconded the motion.

→ The motion carried by a vote of 5-0.

Councilmember Robinson thanked the outgoing Board Members, Andrew Peabody and Chiho Lai, for their service.

Councilmember Chelminiak reported that he attended a meeting of the Puget Sound Regional Council (PSRC) Growth Management Policy Board.

Deputy Mayor Wallace said he attended the Bellevue College Foundation luncheon, where Councilmember Robinson was present as well. Mr. Wallace said that he and Mayor Balducci were speakers for the Bellevue Downtown Association (BDA) breakfast.

Mr. Wallace said the list of recreational marijuana retail locations was published in *The Seattle Times*. He would like staff to come back with an analysis of how the City's current interim zoning controls affect those retailers. Are they authorized under the interim zoning or not? He noted that two of the stores are located just over the fence from Surrey Downs and another is across the street from the Little Gym of Bellevue-Redmond.

Mayor Balducci said she would like to hear an update on the final regulations under consideration by the Planning Commission and the estimated completion date for their work.

Councilmember Stokes reported that he attended meetings of the King Conservation District Advisory Committee, Cascade Water Alliance, and WRIA 8 Salmon Recovery Council Budget Development Committee. He attended a meeting held by King County Councilmember Jane Hague and Redmond Mayor John Marchione to discuss solid waste disposal issues and facility planning.

Mayor Balducci said Mayor Marchione chairs the Sound Cities Association (SCA) of Washington, which has been advocating that there shall never be a NE King County solid waste transfer station. Ms. Balducci agrees that there need not be one in the current 10-year plan. However, stating that there will never be a NE station goes too far.

Councilmember Stokes said the City of Kirkland and others have been questioning that position as well. He recalled that Bellevue's letter to the King County Council was that the possibility of a NE station should not be eliminated. Mr. Stokes said Mayor Marchione did not comment on that during the most recent meeting. Mr. Stokes said City staff were present as well.

Councilmember Stokes attended the Bellevue College Foundation luncheon and Kelsey Creek Arbor Day events.

Councilmember Robinson said she attended an event at Crossroads Community Center to celebrate the opening of the Bellevue Youth Link library. Councilmember Stokes spoke at that event.

Ms. Robinson attended a meeting of the Enatai Neighborhood Association and the Bellevue Downtown Association *State of the City* event with the Mayor and Deputy Mayor.

Mayor Balducci reported that she attended a meeting of the Sound Transit Board. Ms. Balducci said she has learned from the City of Kirkland's experience that there are firms who will pay for the opportunity to remove the rails from the BNSF corridor. Kirkland plans to add gravel for trail use. While Bellevue does not own any portion of the former rail corridor, Mayor Balducci wondered whether it might be worthwhile to explore extending the trail into Bellevue.

Ms. Balducci attended a meeting of the PSRC Executive Board. She said staff is working toward scheduling a joint meeting between the City Council and the Bellevue School District Board. She attended a ribbon-cutting ceremony for a new nonprofit medical clinic called the International Community Health Clinic.

At 8:00 p.m., Mayor Balducci declared recess to the Regular Session.

Myrna L. Basich, MMC
City Clerk

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Summary Minutes of Regular Session

May 5, 2014
8:00 p.m.

Council Chamber
Bellevue, Washington

PRESENT: Mayor Balducci, Deputy Mayor Wallace and Councilmembers Chelminiak, Robinson, and Stokes

ABSENT: Councilmembers Lee and Robertson

1. Call to Order

The meeting was called to order at 8:07 p.m., with Mayor Balducci presiding.

2. Roll Call, Flag Salute

All Councilmembers except Councilmembers Lee and Robertson were present. Councilmember Chelminiak led the flag salute.

Mayor Balducci indicated she would not read the full proclamations due to the number of them and the full agenda.

(a) National Music Week Proclamation

Mayor Balducci read a portion of the proclamation declaring May 4th through May 11th as National Music Week in Bellevue.

A representative of the Washington State Federation of Music Clubs accepted the proclamation and noted that Governor Inslee made a proclamation as well. She said there will be more events in Bellevue next year for this special week.

Mayor Balducci commented on the importance of music in education and throughout the community.

(b) Arts Education Month Proclamation

Mayor Balducci read from the proclamation recognizing May as Arts Education Month in Bellevue.

Arts Commission Vice Chair Trudi Jackson thanked the Council for the declaration of May as Arts Education Month. She spoke to the importance of arts education within the community and thanked the City for funding arts organizations.

Chris Marks, Bellevue School Board, thanked the community for supporting funding for art and music electives in Bellevue schools.

(c) Better Hearing and Speech Month Proclamation

Mayor Balducci presented the proclamation declaring May as Better Hearing and Speech Month to Ruth Norwood and Maryann Sadrzadeh representing the Evergreen Speech and Hearing Clinic. The guests commented on the importance of early intervention in treating hearing and speech disorders.

Mayor Balducci said she has a son with a hearing disorder who has benefitted from early intervention and participates in musical theatre.

(d) Older Americans Month Proclamation

Mayor Balducci presented the proclamation declaring May as Older Americans Month in Bellevue to Diana Thompson of The Bellevue Network on Aging.

Ms. Thompson spoke to issues affecting older Americans including falls and senior safety. She said there are community resources available focused on exercise and avoiding falls including the *Walk for Life* program at Bellevue Square, the North Bellevue Community Center's *Shape up for Prevention* program, and Overlake Hospital's *A Matter of Balance* program. She said 19 percent of Bellevue citizens are 60 and older, and she encouraged the Council to consider the needs of adult residents in developing policies.

(e) Bicycle Month Proclamation

Mayor Balducci declared May as Bicycle Month in Bellevue.

3. Communications: Written and Oral

- (a) Paul Brallier spoke on behalf of the Northtowne Neighborhoods Association. He said residents are interested in developing a plan for their area. His parents founded the Northtowne Community Club in the 1970s, which focused on preserving residential areas. Two current priorities are creating a gateway at Bellevue Way and reviewing housing redevelopment in the area.
- (b) Keith Swensen, Northtowne Neighborhoods Association, noted his career in architecture and urban design. He described a proposal to convert 108th Avenue NE into a low-impact development street along a linear park.

- (c) Harpal Gill, Northtowne Neighborhoods Association, talked about making Bellevue Way a grand entrance into Northwest Bellevue from SR 520 and Kirkland. He expressed concern about traffic speeds and encouraged an enhanced pedestrian environment. Mr. Gill said Northtowne residents would like to work with the City to develop a Subarea Plan.
- (d) Howard Katz, The Bellevue Network on Aging, commented on the need for the East Link light rail project to meet the needs of the hearing impaired, deaf, and blind. He described the use of platform lights on rail/subway systems in other cities. He said Sound Transit is not addressing this, and one Sound Transit representative said there are concerns about photophobia (individuals bothered by lights). Mr. Katz opined that there is a hesitancy to use this type of lighting for the East Link project due to the potential for lawsuits related to not having those elements throughout the Seattle light rail network.
- (e) Heather Trescases, Eastside Heritage Center, said she attended the earlier Study Session for the economic development discussion. She described an early Bellevue development walking tour that has been created. Brochures for self-guided tours are available and the first guided tour was held the day before, despite the rain. She thanked Council for their efforts related to economic development and tourism.

4. Reports of Community Council, Boards and Commissions: None.

5. Report of the City Manager

Acting City Manager Brad Miyake asked staff to provide information on an upcoming road closure.

Mike Brennan, Director of the Development Services Department, announced road closures from May 12th to 23rd related to the Lincoln Square expansion project. Information will be distributed to residents and businesses within the vicinity of the project, and updates will be available through the City's web site and social media.

Deputy Mayor Wallace thanked staff for their work on balancing the needs related to this road closure.

6. Council Business and New Initiatives

Council Business was reported during the earlier Study Session.

- (a) Library Board Appointments [See Study Session.]
- (b) Response to Councilmember request for copies of all Contracts presented for Council Action [Postponed]

7. Approval of the Agenda

→ Deputy Mayor Wallace moved to approve the agenda, postponing Item 6(b) and adding Item 11(a), NE 4th Street Settlement Agreements. Councilmember Chelminiak seconded the motion.

→ The motion to approve the agenda, as amended, carried by a vote of 5-0.

8. Consent Calendar

→ Deputy Mayor Wallace moved to approve the Consent Calendar, and Councilmember Chelminiak seconded the motion.

→ The motion to approve the Consent Calendar carried by a vote of 5-0, and the following items were approved:

- (a) Minutes of March 1, 2013 Special Meeting, Economic Development Workshop
Minutes of March 24, 2014 Budget Workshop
Minutes of April 4 and 5, 2014 Special Meetings
Minutes of April 7, 2014 Study Session
Minutes of April 7, 2014 Regular Session
Minutes of April 14, 2014 Extended Study Session
- (b) Resolution No. 8735 authorizing payment of \$47,872.03 for a final settlement and release of all claims brought by Farmers Insurance Company of Washington for property damage sustained by their insured, Kim Pearson, after a 4-inch water main broke in the street adjacent to the Pearson residence.
- (c) Resolution No. 8736 authorizing investment of City monies in the Local Government Investment Pool (LGIP).
- (d) Resolution No. 8737 authorizing execution of a one-year General Services Contract with Northwest Landscape Services, in an amount not to exceed \$72,677.56, with the option to renew for an additional three years, for Transportation Trail Maintenance.
- (e) Motion to award Bid No. 14006, 2014 Guardrail Improvements as part of the Major Maintenance Program, to Dirt & Aggregate Interchange, Inc., as the lowest responsible and responsive bidder, in the amount of \$52,450.00 (CIP Plan No. PW-M-19 and PW-R-46). This project will install guardrail in two locations: along the north side of SE 38th Street, west of West Lake Sammamish Parkway SE; and, the west side of 120th Avenue SE, north of Lake Washington Boulevard SE.
- (f) Resolution No. 8738 authorizing execution of a professional services agreement with MWH Americas, Inc., in an amount not to exceed \$577,198.68, for engineering services for Midlakes Pump Station Capacity Improvements-Design

and Bidding Services (CIP Plan No. S-61).

- (g) Motion to award Bid No.14008 for AC Water Main Replacement 2014, to Kar-Vel Construction, as the lowest responsible and responsive bidder, in the amount of \$1,562,194.89 (CIP Plan No.W-16).
- (h) Resolution No. 8739 approving Bellevue Art Museum's (BAM) execution of a Reciprocal Easement Agreement with LS 2 Holdings, LLC (LS 2), for certain construction-related easements between their two properties.

9. Public Hearing

- (a) Public Hearing to consider amendments to the Bellevue Land Use Code and Comprehensive Plan related to the City's Draft Shoreline Master Program (SMP)

1. Staff Report

Carol Helland, Land Use Director, said the purpose of this agenda item is to hold a public hearing on the Draft Shoreline Master Program (SMP) Update Package and related amendments to the Land Use Code and Comprehensive Plan. She highlighted the project timeline and said the Council is approaching local adoption of the package to be submitted to the State Department of Ecology (DOE).

Ms. Helland went through the planned completion schedule. Substantive topic discussions are scheduled for the remainder of May and June, a second public hearing will be held in late June or early July, and the Final SMP Update Package will be transmitted to the DOE upon Council adoption.

2. Motion to open Public Hearing

- Councilmember Stokes moved to open the Public Hearing, and Deputy Mayor Wallace seconded the motion.
- The motion carried by a vote of 5-0.

3. Public Testimony

The following citizens came forward to comment:

- (1) Dallas Evans provided a brief PowerPoint presentation about shoreline armoring on Lake Sammamish. He showed photos of wave activity in front of his property and expressed concern about the wind tunnel effect on the lake. He submitted written documents.
- (2) Joanna Buehler, an Issaquah resident, spoke on behalf of Save Lake Sammamish. She said the organization has significant concerns about, and strongly object to, certain elements of the proposed SMP package. These include that the package does not meet the

standard of no net loss, decreases the distance between structures and the shoreline, and provides inadequate shoreline vegetation standards. She opined that this is an attempt to loosen the regulations of the Shoreline Management Act. She said additional speakers tonight would provide more details on specific concerns. They will provide a notebook of information as well. Ms. Buehler said she will provide her comments in writing.

- (3) Hans Berge, an Edmonds resident, expressed concerns regarding Lake Sammamish. He described the needs of juvenile salmon and expressed concerns about docks. He noted other written contributions from him in the package provided by Joanna Buehler.
- (4) Gene Welch, a retired University of Washington professor, testified regarding the transparency of Lake Sammamish, phosphorous, and the impact of stormwater. He asked the Council to protect the lake and to maintain tight controls on stormwater inputs.
- (5) Jonathan Frodge said he is a stormwater scientist with the City of Seattle and a member of Save Lake Sammamish. He previously worked 18 years on Lake Sammamish for King County. He commented on the concept of no net loss and the importance that it should be regionally applied. He said regulations cannot apply the concept by individual parcels.
- (6) Erica Tiliacos, an Issaquah resident, testified that the cities of Bellevue, Redmond, Sammamish, and Issaquah have the greatest regulating impact because they regulate all residential shoreline development. She said the cities of Redmond, Sammamish and Issaquah have completed the adoption, and have received approval from DOE, of their Shoreline Master Programs. She believes it is important to have consistency between all of the cities' regulations. Ms. Tiliacos said Issaquah has a 35-foot buffer and a 15-foot setback, which may be reduced somewhat by improving shoreline conditions and functions. She requested that Bellevue adopt the same standards and encourage shoreline native revegetation.
- (7) Mark Getzendaner, a member of Trout Unlimited, said they have worked hard to preserve the habitat of Kokanee salmon. He works with youth from multiple high schools who volunteer for restoration and rehabilitation projects. He observed that the draft SMP has received objections from both property owners and environmentalists. He encouraged reaching a compromise and reasonable solution.
- (8) Rick Aramburu, land use counsel for Save Lake Sammamish for the past 20 years, opined that there are several defects in the proposed SMP plan. He said the Council and Planning Commission are putting the cart before the horse. He said Lake Sammamish is a shoreline of statewide significance, which implies an additional level of protection. He said the SMP does not provide no net loss protection, and the buffer requirements are inadequate. He said SMPs for shorelines of statewide significance must provide restoration and not just preservation.
- (9) Aaron Dichter, a resident of Meydenbauer Bay SE in Bellevue, said he is a past president of the Meydenbauer Bay Neighborhood Association. He said he will submit written comments on the Shoreline Master Program that were submitted to the Planning

Commission in 2011. MBNA wants to ensure that the Draft SMP limits the uses and development at Meydenbauer Bay Park to what was approved in the park Master Plan. Mr. Dichter said residents request that the park be processed under a shoreline conditional use permit to ensure greater public participation and to provide the maximum authority to impose conditions to mitigate community concerns. He said residents believe the SMP does not have adequate standards to address all of the issues in a straightforward substantial development permit process. Issues include intensity, noise, blocking of views, and public safety access.

- (10) Tom Shafer said that, early on, the City combined shoreline regulations under critical areas, which the Supreme Court ruled to be illegal. Mr. Shafer expressed concerns about the consultant, The Watershed Company, and that studies did not undergo an independent peer review. He said the City is now citing homeowners for code violations (e.g., the removal of pavers in a buffered area which were replaced with grass). He said the City forced the owners to spend thousands of dollars on permitting and mitigation, including large, view-blocking trees. He questioned whether the SMP regulations appropriately address the function of the shoreline and provide the desired benefits. Mr. Shafer believes these are vindictive regulations.
- (11) Scott Sheffield introduced his son, Blake Sheffield. Mr. Sheffield said the shoreline and Lake Sammamish have improved over the years since he was a child. He has been involved with the Washington Sensible Shorelines Association for more than five years. He said bulkheads are needed to protect some, but not all, of the lake's properties. Mr. Sheffield expressed support for the draft SMP Update Package. He thanked the Council for bringing Dick Settle in as the legal and expert consultant.
- (12) Blake Sheffield said he understands that the purpose of the SMP is to protect and encourage improvement of the lake environment. He believes this should be balanced with protecting the right of his family and neighbors to continue enjoying the lake. He commented on the importance of providing a healthy environment for Kokanee salmon.
- (13) Don Miller said he is a member of the Lake Lanes Neighborhood Association, but speaking on his own behalf. He said residents consider themselves stewards of the lake and are constantly cleaning up trash from the water. He acknowledged the work of the WSSA to modify the original proposed regulations to the reasonable and acceptable proposal now before the Council. He said the regulations allow residents to continue to maintain their docks and property.
- (14) Janet Wall said she is an Issaquah resident, fisheries biologist, and a Board Member for Save Lake Sammamish. She concurred with Joanna Buehler's earlier comments. She is concerned that the SMP Update is going in the wrong direction. She said Bellevue should not allow development closer to the water. Ms. Wall noted the risk of lawsuits. She objects to any provision that weakens requirements for native vegetation.
- (15) Paula Baruffi said she lives on the shoreline. She shared a neighbor's story to shed light on what she considers the inappropriateness of the current Critical Areas Ordinance and

the cavalier way it is being enforced by City staff. She said the SMP Update regulations need to not be burdensome on residents. She expressed support for the balanced Draft SMP and encouraged the Council to submit it to the DOE.

- (16) Laurie Lyford said she is the president of the WSSA but that the next speaker would be giving the organization's presentation. She said it initially appeared that the City intended to roll the Critical Areas Ordinance into the Shoreline Management Program. However, a four-year planning process followed to create the draft SMP Update. She encouraged Council to approve the Planning Commission's draft and to forward it to the State DOE.
- (17) Gil Pauley said he lives on Lake Sammamish and is a retired University of Washington School of Aquatic and Fishery Sciences professor. He was appointed by Judge Boldt and served for 14 years as the technical advisor for tribal salmon and steelhead issues. Dr. Pauley said he has a number of concerns regarding the basic science report of 2005, which he found to have errors of omission and commission. He observed that the City's consultants did not present opposing views on science to the Council. Dr. Pauley said the shoreline should not be regulated under CAO provisions.
- (18) Marty Nizlek expressed support for the Draft SMP. He thanked shoreline property owners for attending the hearing, and he thanked the Council for hiring Richard Settle as independent counsel. Mr. Nizlek noted that the Kokanee salmon's habitat is on the east (non-Bellevue side) of Lake Sammamish. He said he would submit his comments in writing.
 - At 9:51 p.m., Deputy Mayor Wallace moved to extend the meeting to 11:00 p.m., and Councilmember Stokes seconded the motion.
 - The motion carried by a vote of 5-0.
- (19) Anita Skoog Neil said she has been told that the precautionary principle guides decision making. This espouses the belief that, under conditions of substantial scientific uncertainty, environmental regulations should err on the side of caution in order to prevent harm. It moves the burden of decision making from scientists to policy makers and advises local governments to take action, even in the absence of evidence of harm and notwithstanding the costs. She said the precautionary principle is a logical trap, and it does not establish what is to be protected. Ms. Skoog Neil expressed support for the Draft SMP. She said she would submit a written document for the Council.
- (20) Brian Hodges said he is a principal attorney of the Pacific Legal Foundation, which is a national nonprofit organization that protects private property rights. He commented on the Koontz decision affecting Washington shoreline regulations, which he said is a cautionary tale for cities and counties. Mr. Hodges said he second chaired the Koontz decision to the U.S. Supreme Court and has been on the speaking circuit talking about the impacts of this decision on Washington land use law for the past year. He noted that he provided copies of a paper he wrote to the Council this evening. Mr. Hodges enumerated

the key provisions of the Koontz decision.

- (21) Rory Crispin asked that the SMP restoration plan contain language to restore federally mandated discharge functions. He commented on the importance of stable lake elevations in maintaining stable shoreline ecological functions. He asked that the City's restoration plan include language to fully reestablish the federal maintenance requirements of the transition zone and to recognize the federal ordinary high water mark.
- (22) Mike Holmes, a resident of Newport Shores, said he believes the current Draft SMP is a step closer to sensible shoreline regulations. Newport Shores contains manmade canals in an urban residential area with concrete bulkheads. Residents are frustrated with the best science being applied to their community. The consensus is that the advantage of natural vegetation versus existing vegetation does not make up for the amount of oversight the community would be required to endure under the Draft SMP.

At 10:03 p.m., Mayor Balducci declared a short recess.

The meeting resumed at 10:10 p.m.

- (23) Gerry Lakin, representing Meydenbauer Bay Yacht Club, said he has provided a letter from the Club to the Council. He is a licensed civil engineer and has been through the shoreline permit process a number of times. He believes the environment of Lake Washington has been improving over time. He attributes this in part to the 1974 SMP City policy regarding runoff, upland development, aquatic weed control, and the good stewardship of shoreline residents. He observed that the Draft SMP appears to be a reasonable balance between shoreline policy regulations and private property rights. The Club would like to go on record as endorsing this version of the SMP Update and asks that the Council approve it and pass it on to the DOE.
- (24) Susie Winkowski, Vasa Park Resort, said she supports the Draft SMP Update as a vast improvement over earlier drafts. She said the resort has been operating for 88 years and has been owned by the same organization for all of those years. She thanked the Council for listening to all of the speakers tonight, and she thanked the Planning Commission for their hard work.
- (25) Mike Young expressed support, with some reservations, for the Draft SMP Update. He noted the diversity of constituents who live along the shoreline on Lake Washington, Lake Sammamish, and smaller lakes. He said the sizes of lots vary, and some are barely 50 feet deep from the shoreline. He encouraged flexibility in applying shoreline regulations based on individual situations.
- (26) Katherine Murray said she has been trying to obtain a building permit to rebuild her home in the same footprint. Her property has a steep slope and is therefore a critical area. She has 30 lineal feet of the Lake Washington shoreline. The depth of the property averages 28 feet. She expressed concern about the practicality of native vegetation requirements. She has visited three banks and has been unable to find one that issues

assurance bonds, as required by the City. She was required to deposit \$30,000 in a savings account for the City of Bellevue, where it will stay for five years. Ms. Murray expressed support for the Draft SMP Update.

- (27) Dave Robertson expressed concern about imposing requirements on private property, including those that incur costs for property owners.
- (28) Marilyn Robertson presented a video produced by the Freedom Foundation which tells the story of Cheryl Eberting's property on Phantom Lake. The video asserts that the City of Bellevue directs its stormwater into Phantom Lake, and the lake level can rise quickly at times. The water has come within five feet of Ms. Eberting's house. She agreed to housing a City pump station on one of her lots for \$1,000 compensation.

Deputy Mayor Wallace indicated that the video is available online, and he asked that staff email the link to the Council.

- (29) Russ Keldorph, a Phantom Lake resident, said Bellevue collects stormwater in the Eastgate area and the effluent is directed to the lake. He believes the City is using the lake as a large detention pond. He said the City then imposed strict critical areas regulations limiting development and use of private property. Mr. Keldorph asked that the lake be protected and that the City properly manage the outflow. He said Phantom Lake is technically a private lake.
- (30) Ilene Stahl said she lives in Sammamish. She and her husband started the Friends of Pine Lake in 1998 to protect the lake and the Kokanee salmon habitat, which has been designated as an urban wildlife refuge. She said Lake Sammamish has unique features that are different from Phantom Lake or Lake Washington.
- (31) Karl Lindor, on behalf of himself and the owners of the Sambica property along Lake Sammamish, expressed support for the Washington Sensible Shorelines Association and the Draft SMP Update. He thanked Council for their work. He said residents are concerned about restrictive private property regulations. He concurred with Dallas Evans' comments earlier on bulkheads, which are a necessity in many cases.
- (32) Terry Lemke said that property owners along Lake Sammamish are the most likely and the most qualified to want to protect the shoreline and the lake environment. He expressed support for the Draft SMP Update package. He said residents understand that the City will have to advocate for its residents in presenting the package to the State DOE for approval. He expressed concern regarding the designation of the ordinary high water mark.
- (33) Merwyn Haneberg said he is a Phantom Lake resident, a former president of the homeowners association, and a licensed architect. He said the shoreline of Phantom Lake under the City's control is overgrown with vegetation which destroys views, prevents recreational use, and lowers home values. Mr. Haneberg said storm drainage into the lake, including from Microsoft and Boeing, is unpredictable and flooding can occur. He

does not believe that a lake classified as a wetland should be a drainage receptacle.

- (34) Donald Kurth said he lives in Sunrise Cove and he supports the Draft SMP Update as a good compromise. He encouraged moving forward to put the regulations in place in order to give City staff something to follow that makes some sense. He believes enforcement staff have been unreasonable in certain cases in recent years. He said City staff do not realize that Sunrise Cove has never had vegetation, and they are demanding that it be placed in the cove.
- (35) Chris Monger, said he is speaking on behalf of a longtime neighbor, Bill Barger, who could not attend the meeting. Mr. Monger read a letter from Mr. Barger, whose career culminated as Vice President of Engineering and Estimation for Boeing's construction subsidiary. The letter asked the City to educate residents upland of the lake about the impacts of their actions. Mr. Barger supports the Draft SMP, and Mr. Monger said he supports the letter as well.
- (36) Rondi Egenes said she has lived on SE Shoreland Drive for 40 years. She said Bellevue's SMP should respect that the Shoreline Management Act established single-family residential homes and docks as a priority use of the shorelines. She said state law recognizes that lake shorelines are not critical areas but are urban residential areas. She said the City's critical areas shoreline analysis report was primarily based on stream science and not on lake science. She said many homes on the lake were built with less than 25-foot setbacks. She expressed concern about the ability to maintain landscaping, repair walkways, or change patio pavers to grass. This negatively affects property values and constitutes a taking of property rights.
- Deputy Mayor Wallace moved to extend the meeting to 11:30 p.m., and Councilmember Stokes seconded the motion.
- The motion carried by a vote of 5-0.
- (37) Sandra Rice said she lives on West Lake Sammamish Parkway and has a M.D. degree and a degree in chemistry. She said it is unreasonable to expect shorelines to be restored to some historic state. She commented on the hydrologic and vegetative functions that relate to buffers. Buffers are a huge concern for property owners because they affect what an owner can do with his or her property. She said there are many studies with differing findings, for example, recommending buffers from 15 feet to 300 feet. She encouraged the Council to support the Draft SMP Update.
- (38) Linda Nohavec expressed support for the comments by Save Lake Sammamish representatives. She would like the regulations to do more to protect the lake. She does not believe residents should be able to build closer to the water than they are now.
- (39) Molly Price expressed support for the Draft SMP Update. With young children, she is hoping there would be no more discussions about adding corridors from the road to the beach for views and for cutting pathways along the beach. She is concerned about

requirements for adding vegetation, which would block her view of her children while they are playing on the beach.

- (40) Fernando Mendez said he is surprised to see no incentives provided for property owners in the Draft SMP Update. He said the required modifications could be very expensive, and this provides the opportunity for education and incentives. He endorsed the Draft SMP.
- (41) Cheryl Eberting expressed concern about the high lake level at Phantom Lake. She said she has a City pump station on one of her lots. She expressed concern about stormwater runoff into the lake. She owns four lots, one with a house, that are now essentially worth nothing due to regulations on development of the lots. She formerly had a garden along the lake, but the City now puts its stormwater on her lot. She cannot build any homes for her children to live in, and there has been no offer of compensation for the value lost on her properties.
- (42) Elliott Severson thanked the Council for staying late to hear everyone's comments. He said the Planning Commission spent extensive time reviewing the regulations and gathered a great deal of input. He believes they considered a broad range of information and interests to develop a fair and balanced plan. He asked the Council to be sure that regulations are consistent. He said waterfront owners care about the lake, but they are not solely responsible for the water quality.
- (43) Charlie Klinge, an attorney representing the Washington Sensible Shorelines Association, said the Draft SMP Update has been thoroughly considered by the Planning Commission. The regulations are still restrictive but they balance the needs for private property use and protecting the environment. The lots were created decades ago, and there is no native vegetation on existing properties along the shoreline. There is grass, landscaping and patios. He expressed concerns regarding the negative impacts of stormwater runoff.
- (44) Jeff Kirby, a resident of Skagit Key, said he served on the Newport Shores architectural and land use committee for two decades. However, he is speaking as an individual. He endorsed the Draft SMP Update package. He thanked the Council and staff for their work, and for understanding the special situation of their canals that were created in the 1970s.
- (45) James Mackey, Commander of the Lake Sammamish Yacht Club, said the previous owner of his property was required to meet extensive regulations in building his dock. The prisms installed in the middle of the dock have been proven, by current science, to have no beneficial function for fish. He expressed support for clear and consistent regulations. He noted the need for a minimum width of five feet for a walkway to the dock. He said the purpose of the SMP is to provide a balanced approach. He supports the regulations.
- (46) Dan Evans said he is an environmentalist and a volunteer for Save Lake Sammamish. He is also the president of the Rosemont Beach Homeowners Association. However, he is

speaking as an individual. He spoke in support of the Draft SMP Update and encouraged the Council to submit it to the State DOE.

- (47) Jerry Baruffi told his story about shore lands, a dock, and permitting processes with the City and the U.S. Corps of Engineers. He said there is no science to support the designation of 25- or 50-foot setbacks. He said bulkheads protect properties from waves and wakes. He questioned whether fish know the difference between shade created by a tree or by a dock.
- Deputy Mayor Wallace moved to extend the meeting to 12:30 a.m. (May 6), and Councilmember Stokes seconded the motion.
- The motion carried by a vote of 5-0.
- (48) John Strong urged the Council to forward the Draft SMP Update to the DOE. He said he bought a teardown house in 2007 and would like to rebuild. He can see seven houses actively under construction on the lake in Redmond and Sammamish, but none in Bellevue.

4. Motion to close Public Hearing

- Deputy Mayor Wallace moved to close the Public Hearing, and Councilmember Chelminiak seconded the motion.
- The motion carried by a vote of 5-0.

5. Council Discussion

Mayor Balducci thanked everyone for their participation. She noted this is the first of two public hearings on the Shoreline Master Program. She said the Council is just beginning to discuss the draft plan and it is likely to change to find the right balance among interests.

10. Land Use

- (a) Consideration of an application of the Bellevue School District for a Conditional Use Permit and a Critical Areas Land Use Permit to demolish the existing Odle Middle School and to construct a new two-story facility to serve grades 6 through 8. The adjacent Bellevue Aquatic Center will not be disturbed and will remain open during the construction process. The site area is approximately 18 acres and is located at 502 143rd Avenue NE, which lies in between 140th and 148th Avenues NE.

Acting City Manager Miyake noted that information was provided to the Council the previous week on the application of the Bellevue School District for a Conditional Use Permit and a Critical Areas Land Use Permit to demolish the existing Odle Middle School and to construct a new two-story facility.

- Councilmember Chelminiak moved to approve the application of the Bellevue School District for a Conditional Use Permit and a Critical Areas Land Use Permit to demolish the existing Odle Middle School and to construct a new two-story facility. Deputy Mayor Wallace seconded the motion.
- The motion carried by a vote of 5-0.

11. Other Ordinances, Resolutions and Motions

(a) NE 4th Street Settlement Agreements – Resolution Nos. 8740 & 8741

Mayor Balducci said staff is requesting Council action on two settlement agreements related to the construction of the NE 4th Street extension project. The agreements with Bellevue 116th Avenue LLC and LLC Best Buy Stores represent the acquisition of property needed to build Phases 1 and 2 of the NE 4th Street extension.

- Deputy Mayor Wallace moved to adopt Resolution Nos. 8740 and 8741 approving settlement agreements related to the NE 4th Street extension project. Councilmember Stokes seconded the motion.
- The motion carried by a vote of 5-0.

Councilmember Robinson thanked staff for their work. Mayor Balducci said Council looks forward to the construction.

- 12. Unfinished Business: None.
- 13. Continued Oral Communications: None.
- 14. New Business: None.
- 15. Executive Session: None.
- 16. Adjournment

At 11:37 p.m., Mayor Balducci declared the meeting adjourned.

Myrna L. Basich, MMC
City Clerk

/kaw